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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Joel Jeronimo Martin,

14 Petitioner,

v.

15 John Mattos, NSDC Warden; Michael
16 Bernacke, Field Director, Salt Lake City
17 Field Office of ICE ERO; Todd Lyons, ICE
18 Acting Director; Kristi Noem DHS
19 Secretary; Pam Bondi, U.S. Attorney
20 General, *et al.*,

21 Respondents.

Case No. 2:26-cv-00388-CDS-NJK

First Amended § 2241 Petition

INTRODUCTION

Petitioner Joel Jeronimo Martin has been detained by ICE since on or about February 11, 2025, and is currently detained at the Nevada Southern Detention Center (NSDC). In this petition, Joel argues his detention is unconstitutional because the Immigration Judge (IJ) confused Joel's criminal record with someone else when determining Joel poses a danger to the community and denying his release on bond was legally erroneous and violated his due process rights.

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (granting general habeas authority to district courts); Art. 1 § 9, cl. 2 of the U.S. Constitution (the “Suspension Clause”); 28 U.S.C. §1331 (federal question jurisdiction); and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See e.g. Zadvydas v. Davis*, 533 U.S. 678 (2001). Federal courts also have federal question jurisdiction, through the APA to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable in habeas. 5 U.S.C. § 703. The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. Petitioner’s continued detention violates his constitutional due process rights, and constitutes arbitrary and capricious agency action, and is an abuse of discretion.

Venue is proper in this district pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at Nevada Southern Detention Center.

Accordingly, Petitioner's habeas petition is properly before this court.

PARTIES

Joel Jeronimo Martin is a native of Mexico who is currently detained at the NSDC in Pahrump, Nevada.

James Mattos is the Warden of NSDC. Mattos, in his official capacity, is the immediate custodian of Petitioner.

Michael Bernacke is the Field Director of the West Valley City Office of Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations, which has jurisdiction of enforcement and removal operations over detention facilities in Nevada, including Nevada Southern Detention Center where Petitioner is detained. Bernacke, in his official capacity, is a legal custodian of Petitioner.

Todd Lyons is the Acting Director of ICE, which is responsible for administering and enforcing immigration laws, including the detention and removal of immigrants. Lyons, in his official capacity, is a legal custodian of Petitioner.

Kristi Noem is the Secretary of the Department of Homeland Security (DHS) which oversees ICE. Noem, in her official capacity, is the ultimate legal custodian of Petitioner.

Pamela Bondi is the Attorney General of the United States. She oversees the immigration court system, which is housed within the Executive Office for Immigration Review (EOIR) and includes all immigration courts and the Board of Immigration Appeals (BIA). She is named in her official capacity.

STATEMENT OF FACTS¹

Joel Jeronimo Martin is a Mexican national who originally arrived in the United States in 1999 when he was 8 years old. Joel was previously removed from

¹ Any factual allegations that do not cite to an attached exhibit are made on the basis of information and belief.

1 the United States to Mexico on January 8, 2010, and on February 20, 2010, when he
2 was 19 years old.² Joel soon returned to home to the United States.

3 On or about February 12, 2025, Joel was arrested by local Las Vegas police
4 on suspicion of DUI, and the Federal Government immediately took custody of him.
5 On October 22, 2025, he pleaded guilty to misdemeanor DUI and was ordered to pay
6 a \$910 fine.³

7 On April 1, 2025, after a hearing, Immigration Judge Lindsay M. Roberts
8 determined Joel “has not established a reasonable possibility that the noncitizen
9 would be persecuted on the basis of a protected ground, or a reasonable possibility
10 that the noncitizen would be tortured in the country of removal.”⁴ Joel is currently
11 appealing this determination. *See Jeronimo-Martin v. Bondi*, Case No. 25-2551.

12 On September 19, 2025, the same IJ denied Joel bond for following reason:
13 “The respondent was prosecuted for illegal entry into the United States and yet
14 again entered illegally. After his most recent illegal entry he has committed
15 numerous crimes, including domestic violence offenses and violation of a domestic
16 violence protective order. He has a recent arrest for DUI.”⁵

17 GROUND FOR RELIEF

18 Joel should be released from ICE Custody because the IJ’s decision that Joel
19 presents a danger is legally erroneous, was not supported by evidence, and therefore
20 violates his Fifth Amendment due process rights.
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25 ² Exh. 2: DHS Certified Administration Record at 10.

26 ³ Exh. 5: Las Vegas Municipal Court Record of Case No. 25-009088.

27 ⁴ Exh. 1: EOIR Certified Administration Record at 5.

⁵ Exh. 4: Bond Memorandum of the Immigration Judge.

1 A. Legal Framework and Jurisdiction

2 Under the authority of 8 U.S.C. §1226(a), ICE may arrest and detain
 3 noncitizens during their removal proceedings. Such noncitizens are entitled to a
 4 bond hearing in immigration court, absent certain circumstances implicating
 5 mandatory detention statutes, none of which apply here. *See Obregon v. Sessions*,
 6 No. 17-CV-01463-WHO, 2017 WL 1407889, at *3 (N.D. Cal. Apr. 20, 2017) (“[t]he
 7 Attorney General has discretion to continue to detain such individuals or release
 8 them on bond or conditional parole and has delegated this authority to the IJs”) *obregon*
 9 citing 8 C.F.R. §§ 1003.19, 1236.1 (2006). The precedential BIA decision *Matter of*
 10 *Guerra*, 24 I&N Dec. 37, 40 (BIA 2006), sets out the nine factors to be considered in
 11 assessing an individual’s request for release on bond:

12 (1) whether the [noncitizen] has a fixed address in the
 13 United States; (2) the [noncitizen]’s length of residence in
 14 the United States; (3) the [noncitizen]’s family ties in the
 15 United States, and whether they may entitled the
 16 [noncitizen] to reside permanently in the United States in
 17 the future; (4) the [noncitizen]’s employment history; (5)
 18 the [noncitizen]’s record of appearance in court; (6) the
 19 [noncitizen]’s criminal record, including the extensiveness
 20 of criminal activity, the recency of such activity, and the
 seriousness of the offenses; (7) the [noncitizen]’s history of
 immigration violations; (8) any attempts by the
 [noncitizen] to flee prosecution or otherwise escape from
 authorities; and (9) the [noncitizen]’s manner of entry to
 the United States.

21 This Court has jurisdiction to consider this issue through a federal habeas
 22 petition because “the Supreme Court has held that section 1226(e) does not limit a
 23 court’s habeas jurisdiction or prohibit a federal court from hearing a habeas petition
 24 ‘challenging[ing] the statutory framework that permits his detention without bail’
 25 or bringing ‘constitutional challenge[s].” *Obregon*, 2017 WL 1407889, at *4, citing
 26 *Demore v. Kim*, 538 U.S. 510, 516-17 (2003). Furthermore, “[t]he Ninth Circuit has
 27 held that federal courts may entertain habeas claims alleging constitutional and

1 legal error in the discretionary process.” *Obregon*, 2017 WL 1407889, at *4 (citing
2 *Singh v. Holder*, 638 F.3d 1196, 1202 (2011)); *see also Perez v. Wolf*, 445 F. Supp. 3d
3 275, 284 (N.D. Cal. 2020) (finding jurisdiction over petitioner’s due process
4 challenge to IJ bond decision where petitioner argued that, “because the
5 Government failed to meet its evidentiary burden, the IJ’s discretionary decision
6 itself was constitutionally flawed”).)

7 **B. Joel should be released because the IJ attributed someone**
8 **else’s criminal record to Joel.**

9 Here, in assessing a noncitizen’s request for release on bond, the IJ was
10 obligated to consider the factors outlined by the BIA in *Matter of Guerra*. Those
11 factors are listed above. In light of those factors, the evidence simply does not
12 support denying Joel request for bond on the basis of danger to the community.
13 Applying the *Guerra* factors to the facts of Joel’s case, the IJ’s finding of
14 dangerousness was simply not supported by evidence and was legally erroneous.

15 The IJ determined Joel was a danger to the community because Joel alleged
16 “committed numerous crimes, including domestic violence offenses and violation of
17 a domestic violence protective order”⁶—this is false. Joel has never committed a
18 crime of domestic violence or violated a protective order. The IJ confused Joel
19 Jeronimo *Martin* with another individual named Joel Gabriel Jeronimo-Miranda.⁷
20 Besides the surnames not matching, the dates of birth also do not match,⁸ and Joel’s
21 middle name isn’t Gabriel because he doesn’t have a middle name.⁹ Indeed, DHS’s
22 own record of Joel’s previous criminal history only lists three crimes: illegal entry in

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24 ⁶ Exh. 4: Bond Memorandum of the Immigration Judge.

25 ⁷ Exh. 3: I-213 at 25.

26 ⁸ Compare Exhibits 6-7: LVJC records of Joel Gabriel Jeronimo-Miranda with
27 Exh. 2 DHS Certified Administration Record at 8.

⁹ Exh. 1: EOIR Certified Administration Record at 39.

1 2010, misdemeanor DUI in 2010, and identity theft in 2008—and all of them
2 occurred when Joel was still a teenager (he's 36 now).¹⁰ Thus, the IJ's basis for
3 finding Joel as a danger to society was clearly erroneous.

4 Joel's only recent crime resulted in this current detention by ICE when he
5 was arrested by Las Vegas Metropolitan Police for DUI on February 11, 2025. Joel
6 pleaded guilty to a misdemeanor and agreed to pay the \$910 fine.¹¹ He's already
7 paid \$200 despite being in custody all this time.¹² Other than this DUI, Joel only
8 has a couple of minor traffic violations, the latest from 2018, and they're all paid
9 off.¹³

10 Otherwise, all nine factors of *Guerra* favor Joel because he has been a
11 productive member of the Las Vegas community since his family first brought him
12 here at age 8. Joel works in construction and has contributed to projects in the
13 Palazzo, Venetian, and Resorts World.¹⁴ A few years ago, he started a business, Las
14 Vegas MJ, LLC, where he employed others in construction.¹⁵ He lives with his
15 parents and goes to Christian Church Bethel every Sunday where he also
16 volunteers his time.¹⁶ As he states in his Declaration, "I am a hard-worker and I am
17 a follower of Christ. I do not have any criminal gang affiliation and I do not have
18 any history of substance abuse."¹⁷

21 ¹⁰ Exh. 2: DHS Certified Administration Record at 9.

22 ¹¹ Exh. 5: Las Vegas Municipal Court Record of Case No. 25-009088.

23 ¹² Exh. 5: Las Vegas Municipal Court Record of Case No. 25-009088.

24 ¹³ Exh. 3: I-213 at 10-23.

25 ¹⁴ Exh. 1: EOIR Certified Administration Record at 32.

26 ¹⁵ Exh. 1: EOIR Certified Administration Record at 29.

27 ¹⁶ Exh. 1: EOIR Certified Administration Record at 27, 32.

¹⁷ Exh. 1: EOIR Certified Administration Record at 32.

1 At bottom, the IJ clearly erred based on mistaken identity when it found Joel
2 was a danger to his community. And Joel is certainly not a flight risk because he
3 has applied for asylum based on his fear of harm in Mexico, and there are no
4 allegations of any missed appointments with courts or other government officials.¹⁸
5 Accordingly, the IJ's determinations were legally erroneous and not supported by
6 evidence. This Court should order that Joel be released from ICE detention during
7 the remainder of his immigration proceedings absent a change of circumstances
8 that would justify detention.

9 **PRAYER FOR RELIEF**

10 Accordingly, Petitioner Joel Jeronimo Martin respectfully requests that this
11 Court release him from ICE custody and grant other relief in the interests of justice.

12 Dated March 11, 2026

13 Respectfully submitted,
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15 Rene L. Valladares
16 Federal Public Defender

17 /s/ Ron Sung
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19 Ron Sung
20 Assistant Federal Public Defender
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27 ¹⁸ Exh. 1: EOIR Certified Administration Record at 24-25.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the facts alleged in this petition are true and correct to the best of counsel's knowledge, information, and belief.

Dated March 11, 2026

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Ron Sung

Ron Sung
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on March 11, 2026. I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

Joel Jeronimo Martin, A#8307 Nevada Southern Detention Center 2190 E. Mesquite Avenue Pahrump, NV 89060	John Mattos, Warden Nevada Southern Detention Center 2190 E Mesquite Avenue Pahrump, NV 89060
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/s/ Mayra Castillo

An Employee of the
Federal Public Defender